

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HAROLD SHAMBURGER,
PLAINTIFF,

0074597 JSW(PR)

v.
R. KIRKLAND, ET. AL.,
DEFENDANTS.

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SP-8 PM 1:56

DECLARATION OF HAROLD SHAMBURGER IN SUPPORT OF
PLAINTIFF'S MOTION TO COMPEL PLAINTIFF'S
DISCOVERY REQUESTS NOS. #3, 4 AND 5.

I, HAROLD SHAMBURGER, DECLARE;

- 1.) PLAINTIFF SUBMITS THAT DEFENDANTS DENIAL OF HIS FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS IS WITHOUT MERIT.
- 2.) PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS ITEMS #3, 4 AND 5 ARE CONTRAL TO THE MATERIAL FACTS BEFORE THIS COURT;

A. WHETHER DEFENDANT ICI SERGEANT C. STEWART MALICIOUSLY MISCLASSIFIED PLAINTIFF AS A "CURRENT ACTIVE" CANC MEMBER BASED ON TWO DOCUMENTS OF ACTIVITY PROTECTED BY THE 1ST AMENDMENT AND A DOCUMENT REJECTED ON 10/16/04 BY DEFENDANT ICI SGT. C. STEWART AND M. RANDOPH AS UNRELATED TO GANG ACTIVITY. IN ORDER TO SILENCE PLTF'S. LEGITIMATE LOCAL ACTIVITIES AND HIS PERSISTENT UTICATION OF HIS WRONGFUL SECURITY HOUSING UNIT ("SHU") RETENTION (PLTF'S. COMPL. 49-61).

THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HAROLD SHAMBURGER,
PLAINTIFF,

0074597 JSW(PR)

v.

R. KIRKLAND, ET AL.,
DEFENDANTS.

DECLARATION OF HAROLD SHAMBURGER IN SUPPORT OF PLAINTIFF'S MOTION TO COMPEL PLAINTIFF'S DISCOVERY REQUESTS NOS. #3, 4 AND 5.

I, HAROLD SHAMBURGER, DECLARE;

- 1.) PLAINTIFF SUBMITS THAT DEFENDANTS DENIAL OF HIS FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS IS WITHOUT MERIT.
- 2.) PLAINTIFF'S REQUEST FOR PRODUCTION OF DOCUMENTS ITEMS #3, 4 AND 5 ARE CRITICAL TO THE MATERIAL FACTS BEFORE THIS COURT;

A. WHETHER DEFENDANT IGI SERGEANT C. STEWART MALICIOUSLY MISCLASSIFIED PLAINTIFF AS A "CURRENT ACTIVE" GANG MEMBER BASED ON TWO DOCUMENTS OF ACTIVITY PROTECTED BY THE 1ST AMENDMENT AND A DOCUMENT REJECTED ON 10/16/04 BY DEFENDANT IGI SGT. C. STEWART AND M. RANDOPH AS UNRELATED TO GANG ACTIVITY. IN ORDER TO SILENCE PLTF'S LEGITIMATE LEGAL ACTIVITIES AND HIS PERSISTENT UTILIZATION OF HIS WRONGFUL SECURITY HOUSING UNIT ("SHU") RETENTION (PLTF'S. COMPL. 49-61).

SEP 8 2008
U.S. DISTRICT COURT
SAN FRANCISCO

FILED
1:56 PM

THIS DOCUMENT WOULD DEMONSTRATE PLAINTIFF'S CONTENTIONS THAT DEFENDANT STEWART KNOWINGLY MANIPULATED THE EVIDENCE AGAINST PLAINTIFF FOR THE PURPOSE OF DENYING PLAINTIFF A DRB REVIEW AND TO SILENCE PLAINTIFF'S JAILHOUSE LAWYERING ACTIVITIES, AND TO UNARMINE PLAINTIFF'S CONTENTIONS THAT VENICEAN BAY PRISON OFFICIALS HAD CONSPIRED TO DENY HIM A DRB REVIEW BETWEEN 2/00 - 6/06.

FOR THE REASONS SETFORTH HEREIN THIS COURT SHOULD GRANT PLAINTIFF'S FIRST SET OF DOCUMENT REQUEST NOS. 3 - 5 BECAUSE THESE DOCUMENTS ARE MATERIAL TO THOSE DISPUTED ISSUES BEFORE THIS COURT.

I, DECLARE UNDER PENALTY THAT THE FOREGOING IS TRUE AND CORRECT.

DATED: SEPTEMBER 1 2008

Hamburger
1ST HAROLD SHAMBERGER

PROOF OF SERVICE BY MAIL

(C.C.P. Section 101(a) # 2015.5, 28 U.S.C. 1746)

, H. SHAMBURGER, am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. I am over eighteen (18) years of age and am a party to the below named action.

My Address is: P.O. Box 7500, Crescent City, CA 95531.

On the 1ST day of SEPTEMBER, in the year of 2008, I served the following documents: (set forth the exact title of documents served)

PLAINTIFF'S DECLARATION IN SUPPORT OF HIS MOTION
TO PRODUCE DOCUMENTS SOUGHT PURSUANT
SET OF DOCUMENTS REQUESTED NO. 1 - 5.

on the party(s) listed below by placing a true copy(s) of said document, enclosed in a sealed envelope(s) with postage thereon fully paid, in the United States mail, in a deposit box so provided at Pelican Bay State Prison, Crescent City, CA 95531 and addressed as follows:

KENNETH T. ROOST
DEPUTY ATTY. GENERAL
455 GOLDEN GATE AVE
SAN FRANCISCO, CA
94102-3664

U.S. DISTRICT COURT
450 GOLDEN GATE AVE
SAN FRANCISCO, CA 94102
U.S. DISTRICT JUDGE
JEFFREY S. WHITE

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 1ST day of SEPTEMBER, 2008.

Signed: H. Shamburger
(Declarant Signature)

ALIYAH SHUMAKER #M530
D221
P.O. BOX 1500
CRESCEANT CITY, CA 95532

PELICAN BAY STATE PRISON
5905 Lake Earl Dr
Crescent City CA 95532



CONFIDENTIAL MAIL

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA
450金门大道
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